

# Official Minutes for Webb County Commissioners Court Special Meeting

Monday, July 19, 2004 at 1:00 PM  
(Approved 08-09-2004)

- Item No. 1      Call to order by Judge Louis H. Bruni  
Let it be remembered that a special meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 14<sup>th</sup> and 16<sup>th</sup> day of July 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2      Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3      Pledge of Allegiance – Led by Cmr. Vasquez

- Item No. 4      Communications

Cmr. Cortez stated that at the previous meeting several past due bills were presented to the court and he wanted to know what had been done regarding these bills. Mr. Homero Ramirez, County Attorney, stated that since item was not on agenda it could not be discussed or deliberated on. He stated that the purpose of Communications was for the court to advise to the public of any new information that they wished to announce. Cmr. Cortez stated that he was concerned about those past due bills and wanted to be sure that they were taken care of.

- Item No. 5      Public Comment

Mr. Homero Ramirez, County Attorney, advised Court that people present to address Court during Public Comment were there to address an issue that was brought up at the previous meeting regarding the water/sewer services at El Cenizo. He stated that an item relating to that topic was not on the agenda but that court had the discretion to allow them to speak nonetheless. He stated that if they were allowed to speak, the court would be changing the procedure adopted and recommended

that only those items related to the agenda be addressed. Judge Bruni advised those El Cenizo residents who had signed up for Public Comments that he would be unable to allow them to speak but that if they left their contact information with the court coordinator or bailiff, they would be contacted by a member of the court.

- Item No. 6      Discussion and possible action regarding amendment of Webb County Personnel Policies manual to include new section 16.02 concerning the Community Action Agency which section shall include a prohibition against conflicts of interest, prohibition of sectarian activities, Whistleblower protection, and prohibition against employment of CAA Advisory Board member by a CAA contractor.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 7      Discussion and possible action to enter into an agreement with the State of Texas, acting through the Texas Department of Transportation, to accept for FY 2004 (June 11, 2004 through June 30, 2005) a "Vehicle Capital Replacement Grant" (Misc. Contract No. 51322F6033) in the amount of FIFTY SIX THOUSAND DOLLARS (\$56,000.00) and authorizing the Webb County Judge to sign all relevant documents. [Requested by Community Action Agency/El Aguila Rural Transportation]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 8      Discussion and possible action to enter into a computer software support services agreement (real estate, personal property tax administration, billing, collection and distribution system application software support services) with Easy Access Inc., for the Tax Assessor Collector's AS400 computer for a twelve (12) month period beginning September 9, 2004, and renewable for one additional twelve (12) month period beginning upon acceptance of an annual agreement at a cost of TEN THOUSAND EIGHT HUNDRED AND SEVENTEEN DOLLARS (\$10,817) and authorizing the County Judge to sign all relevant documents. [Account # 001-0500-6402 Repairs and Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 9 Discussion and possible action to enter into a Service Agreement with Ana Maria Peña, registered dietician, for Children enrolled in the Webb County Head Start Program for a period of one year (October 1, 2004 through September 30, 2005), at reduced fees as set forth in the agreement, authorizing an Exemption from section 262.023 Local Government Code (Competitive Bidding and Competitive Proposal Requirements), and authorizing the County Judge to execute all relevant documents. [Requested by Head Start]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 10 Discussion and possible action to enter into Non-Financial Mental Health Professional Service Agreements with Border Region MHMR Community Center for children enrolled in the Webb County Head Start Program for a period of twenty-four (24) months, beginning August 1, 2004 through July 31, 2006, at no cost to Webb County and authorizing the County Judge to execute all relevant documents. [Requested by Head Start]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 11 Discussion and possible action to enter into Mental Health Service Agreements for Children enrolled in the Webb County Head Start Program for a period of twenty-four (24) months, beginning August 1, 2004 through July 31, 2006, at reduced fees as set forth in the agreements, with LOE-DEL, Inc. of Corpus Christi and authorizing an exemption from section 262.023 Local Government Code (Competitive Bidding and Competitive Proposal Requirements) and authorizing the County Judge to execute all relevant documents. [Requested by Head Start]

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 12 Discussion and possible action to enter into Non-Financial Cooperative Agreements for the Head Start Program with the following Agencies, Political Subdivisions, Corporations for a period of one (1) year:
- |  |                            |
|--|----------------------------|
| American Heart Association   | (8/1/2004 through 7/31/05) |
| Catholic Social Services of Laredo, Inc.                                   | (8/1/2004 through 7/31/05) |
| Central Welfare Agency   | (8/1/2004 through 7/31/05) |
| Literacy Volunteers of Laredo  | (9/1/04 through 8/31/05)   |
| Office of the Attorney General of Texas-Child Support Enforcement Division | (8/1/2004 through 7/31/05) |
| Texas Department of Protective and Regulatory Services                     | (8/1/2004 through 7/31/05) |
- and authorizing the County Judge to execute all relevant documents.  
[Requested by Head Start]

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to enter into a Non-Financial Professional Service Agreement with the South Texas Council on Alcohol and Drug Abuse, for parents and guardians of children enrolled in the Webb County Head Start Program for a period of twenty-four (24) months (September 1, 2004 through August 31, 2006), at no cost to Webb County, and authorizing the County Judge to execute all relevant documents. [Requested by Head Start]

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to enter into contract amendment number one (1) to the Rural Transportation Federal Fund Grant Agreement (No. 51422F7107) with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts an increase to the original grant amount from ONE HUNDRED AND SIXTY SIX THOUSAND FIVE HUNDRED AND NINETY ONE DOLLARS (\$166,591.00) to TWO HUNDRED AND FOUR THOUSAND ONE HUNDRED AND THIRTY SEVEN DOLLARS (\$204,137.00) for the

"El Aguila" Rural Transportation Program and authorizing the Webb County Judge to execute all relevant documents. This Grant will be used for administrative and operational expenses. [Requested by Webb County CAA, "El Aguila" Rural Transportation]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to enter into a Host Agency Agreement with SER-Jobs for Progress National, Inc. /Senior Community Service Employment Program (SER/SCEP) which will provide Community Action Agency with volunteers who will carry out light duty jobs for their different locations at no cost to Webb County and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to, by resolution and order of the Court, agree to the terms and conditions of and enter into a "Local Transportation Project Advance Funding Agreement for A Statewide Connectivity Corridor Project" with the State of Texas, Texas Department of Transportation for the construction of a new Seven Lane Urban Section (Quatro Vientos Road) and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to accept 9 rights of way and public utility easements, out of Pueblo Nuevo Subdivision, one (1) right of way and public utility easement out of Ranchitos 359 East Subdivision, two rights of way and public utility easements out of Laredo Ranchettes, Inc. Subdivision, one (1) right of way and public utility easement out of Antonio Santos, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to enter a resolution and order of the court agreeing to the terms and conditions of the Local Transportation Advance Funding Agreement for Bridge Replacement or Rehabilitation Off the State System (CSJ: 0922-33-075 Mines Road San Lorenzo Creek Bridge) and authorizing the County Judge to sign the agreement.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that project was expected to be completed by 2006. He stated that they are currently in the beginning of the project in the design phase.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to, by resolution and order of the Court, agree to the terms and conditions of and enter into a contract (TCDP # 722205) with the State of Texas, Office of Rural Community Affairs for public sanitary sewer service for Colonia Tanquecitos I, designating signatories and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action to enter into an Interlocal Cooperation Agreement with the Webb County Appraisal District for the exchange of GIS data and authorizing the County Judge to sign all relevant documents.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 21      Discussion and possible action to enter into a contract with Daprex, Inc., for a software license and software maintenance agreement in the amount of TWELVE THOUSAND TWO HUNDRED NINETY-EIGHT DOLLARS (\$12,298.00) and authorizing the County Judge to sign all relevant documents. [MIS Department Account # 001-0500-6402 (Repairs and Maintenance Equipment) for the amount of \$2,523.00 and County Auditor's Account # 001-0400-6022 (Professional Services) for the amount of \$9,775.00]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 22      Report by County Engineer on the Consumer Confidence Report of Webb County's Water Treatment Plant in Rio Bravo and at Las Lomas on Highway 59.

Mr. Tomas Rodriguez, County Engineer, advised the court that both water treatment plants met all the requirements of the State and Federal government and wanted that to be a part of the record. He also requested that Item No. 23 be tabled. Cmr. Velasquez expressed concerns about water purity issues raised by residents at the previous meeting. Mr. Rodriguez stated that the galvanized pipes used by the developers in those areas have become rusty as well as having calcium buildup in the pipes. He stated that the iron and rust in the pipes along with the calcium buildup is what is giving water the cloudy effect but that all state and federal water requirement have been met. He stated that the fire hydrants at the end of every line will be flushed to see if that would alleviate the problem.

Item No. 23      Discussion and possible action to itemize and set fees by order for Road Permits pursuant to the provisions of Section 251.017, Texas Transportation Code.

Cmr. Gutierrez motioned to table item. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24      Discussion and possible action authorizing the County Judge to submit an "Economically Disadvantaged Counties Program Project Information Sheet" and an "Affidavit" for the Cuatro Vientos Project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 25 Discussion and possible action authorizing the County Judge to execute a 12 foot and a 6 foot wide electrical utility easement with AEP/CPL for the Rio Bravo Community Center on Limon & Orquidia Lane in Rio Bravo, Texas.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action to approve final payment to Mr. Stephen R. Gibson of Gibson Gonzalez Associates in the amount of \$15,817.87 for April 2004 and \$15,072.62 for May 2004 for a total of \$30,890.49. This was for the preparation and submittal of the presidential permit for Webb County International Bridge # 1. [Account # 662-8104-6022 Professional Services Bridge Project Series 2003]

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that Mr. Gibson's contract ended on March 31, 2004 but he was requested to attend and make a presentation at a TX DOT hearing that was held in April. Cmr. Cortez stated that if there was no contract or authorization from the court for services rendered, the county had no obligation to pay. Mr. Carlos Villarreal, Commissioners Court Executive Administrator, stated that Mr. Gibson was needed at a key meeting with TX DOT in order to be able to proceed with the permit process. He stated that the county may have to pay for travel expenses for Mr. Gibson and they could possibly negotiate a smaller payment to Mr. Gibson for his services. He stated that Mr. Gibson is only called in for technical aspects of the project. He apologized for not bringing this to the court sooner. Mr. Homero Ramirez, County Attorney, stated that he would like to review the work performed and bring a recommendation to the court at an upcoming meeting as well as place item as Executive Session for further discussion.

Judge Bruni motioned to table item.

Cmr. Velasquez shared his concerns about additional payments being made to a consultant who was no longer under a contract with the county.

Cmr. Gutierrez withdrew her motion.

Cmr. Velasquez motioned to approve payment for April services only.



Cmr. Velasquez withdrew his motion.

Cmr. Cortez motioned to deny payment and not bring item back for discussion under Executive Session. Cmr. Vasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, advised court that they could not make a motion denying the court the opportunity to discuss an item in Executive Session.

Cmr. Cortez amended his motion to only deny payment. Cmr. Vasquez amended his second.

Motion failed 2-3 with Judge Bruni, Cmr. Gutierrez and Cmr. Velasquez voting against.

Cmr. Gutierrez motioned to have item placed on next agenda and have the County Attorney bring a recommendation to the court at that time. Cmr. Velasquez seconded the motion.

Cmr. Vasquez stated that this would establish a precedence that would allow employees or department heads to allow expenditures that were not authorized by the Court. He stated that there was nothing wrong with going for bridge project but that the court needed to look into the monies being spent on this project.

Cmr. Velasquez recommended that the court table item pending the County Attorney's recommendation. He stated that staff should have come before the court for approval but that perhaps the court could accept Mr. Villarreal's recommendation to pay only one month's invoice if there is no legal obligation to pay for services rendered without a contract. Cmr. Gutierrez stated that it was a matter of timing since Mr. Gibson's expertise was needed when project needed to go before TX DOT for approval. She stated that it was important to bring item before court for discussion in Executive Session. Cmr. Cortez stated that item needed to be discussed in open session so that public can see how monies are being spent. He stated that if item came back for Executive Session, he would not go into Executive Session on this item.

Motion carried 3-2 with Cmr. Vasquez and Cmr. Cortez voting against.

- Item No. 27      Discussion and possible action authorizing Change Order # 2 to Ramos Industries, Inc., increasing the contract by \$33,658.00 from \$1,318,540.00 to \$1,352,198.00. An increase of \$25,000.00 is a result of steel prices affecting the structure, electrical and pumps of the three lift stations to the TWDB-EDAP Wastewater Collection System Project on the north side of El Cenizo. This change order is also for the extension of 200 feet of an 8 inch PVC sewer line and one manhole at a cost of \$8,658.00.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 28 Discussion and possible action authorizing the transfer of funds for the TWDB-EDAP projects:

From:		
646-8005-6791-3	Contingency	\$ 1,512.87
647-8006-8801-8	Construction	\$27,576.64
To:		
646-8005-6048	License & Permits	\$ 1,512.87
647-8006-6022-11	Pro. Service Bond Issue	\$27,576.64

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 29 Discussion and possible action to authorize the following line item transfer:

From:	001-1100-6205	Materials & Supplies	\$2,000.00
To:	001-1100-6010	Books & Subscriptions	\$2,000.00

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 30 Discussion and possible action to approve Change Order # 3 to the C. G. Construction Contract (El Cenizo Recreational Center) by adding \$28,485.00 for the installation of a fence, add a small kitchen to the community center, and removal of existing metal structure adjacent to new building. [Account #678-8103-8710-1 Park Development Precinct 1 Series 2001]

Item No. 31 Discussion and possible action to approve Change Order # 1 to the C. G. Construction Contract (Rio Bravo Community Park) by adding \$36,841.13 for the relocation of power lines, telephone and cable wiring away from job site. [Account # 678-8103-8710-1 Park Development Precinct 1 Series 2001]

Item No. 32      Discussion and possible action to approve the acceptance of El Cenizo Recreational Center building as recommended by the project architect, Mr. Jose Calzada, Arquitectura S. A. and that all final bills and retainage be approved.

Cmr. Vasquez motioned to approve Item No. 30, No. 31 and No. 32 as submitted.  
Cmr. Gutierrez seconded the motion.

Cmr. Velasquez questioned why Item No. 31 was not included in proposal. Mr. Juan Vargas, Economic Development stated that the cost went up because of the need to relocate power lines, telephone and cable wiring. Cmr. Velasquez expressed concerns about vendors submitting low bids/proposals then raising their prices through change orders. Mr. Vargas stated that his staff is very wary of change orders and they are only brought to the court for extenuating circumstances that raise liabilities to the county.

Motion carried 5-0 by unanimous consent.

Item No. 33      Discussion and possible action to approve a resolution authorizing the Honorable Louis H. Bruni, Webb County Judge, the Honorable Judith G. Gutierrez, Commissioner Precinct 2, and the Honorable David R. Cortez, Commissioner Precinct 4, to be designated as authorized signatories for the Office of Rural Community Affairs Program TCDP Contract # 722205.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 34      Discussion and possible action to authorize the following line item transfers:

From:		
001-0104-6403	Vehicle Maintenance	\$ 642.00
001-0104-6402	Equipment Maintenance	\$ 500.00
001-0104-6010	Books & Subscriptions	\$ 50.00
001-0104-5602	Local Mileage	\$ 60.00
		Total: \$1,252.00
To:		
001-0104-5601	Administrative Travel	\$1,192.00
001-0104-6011	Training & Education	\$ 60.00
		Total: \$1,252.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35      Discussion and possible action to authorize the following line item transfer:

From:	001-1040-6022	Professional Services	\$1,000.00
To:	001-1040-5601	Administrative Travel	\$1,000.00

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36      Discussion and possible action to itemize and set fees by Order of Floodplain Development Permits pursuant to the provisions of Section 16.324, Texas Water Code.

- Item No. 37      Discussion and possible action to enter into an inter-local agreement with the City of Laredo, as Administrator of the 9-1-1 Regional Strategic Plan for the Regional Planning Commission, for a six month period beginning March 1, 2004 and ending August 31, 2004 in the amount of \$36,026.00 for the provision of 9-1-1 addressing and addressing database maintenance by the County of Webb; and authorization for the County Judge to execute all relevant documents.

- Item No. 38      Discussion and possible action to authorize the Purchasing Agent to purchase real-time GPS surveying equipment as necessary to perform topographical surveys for floodplain management activities, site evaluations, road surveys, drainage studies, etc. and to upgrade the County's digital mapping and 9-1-1 addressing efforts in an amount not to exceed \$40,000.00; funding available under the following accounts:

606-8001-8405	Computerization Costs	(\$8,607.00)
606-8001-7409	Rural Addressing	(\$10,915.00)
010-0102-8801	Capital Outlay	(\$20,478.00)

Cmr. Gutierrez motioned to approve Item No. 36, No. 37 and No. 38 as submitted. Cmr. Vasquez seconded the motion.

Ms. Rhonda Tiffin, Planning Director, stated that her staff has received training to utilize the equipment requested in Item No. 38. She stated that fees in Item No. 36 did not change from last year's fees.

Motion carried 5-0 by unanimous consent.

Item No. 39      Discussion and possible action to purchase 1 computer in the amount of \$2,000.00 for the Veterans Department. [Account # 660-0101-8801 Capital Outlay Series 2003]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40      Discussion and possible action to purchase a re-built transmission, installed, for the Sheriff's Department in the amount of \$1,350.00. [Account # 001-2001-6403 Repairs and Maintenance – Vehicles]

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 41      Discussion and possible action to purchase 1 table top copier in the amount of \$3,100.00 from Neville Business Machines, Inc. for the Webb County Radio Communications Department. [Account # 682-8108-8801 Capital Outlay Series 2001 (Balance \$3,552.70)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42      Discussion and possible action to award/reject the following bids:  
Bid # 2004-60 – Concrete Pads for Head Start  
Bid # 2004-61 – Playground Equipment, Hardware and Supplies for Head Start Centers  
Bid # 2004-62 – One (1) 15 Passenger Van and One (1) Medium Size Sedan for the Juvenile Justice Alternative Education Program (JJAEP)

Mr. Eloy Ramirez, Purchasing Agent, stated that the following vendors were recommended by the Purchasing Board:

2004-60	Zavala's Masonry	\$5,8480.00	
2004-61	Kaplan Early Learning	\$23,885.05	
2004-62	Lawrence Marshall	\$14,690.00	(Mid-size Sedan only)

Cmr. Gutierrez motioned to accept the Purchasing Board's recommendation. Judge Bruni seconded the motion with discussion.

Mr. Ramirez stated that the mid-size sedan would be paid from JJAEP funds.

Motion carried 5-0 by unanimous consent.

- Item No. 43      Discussion and possible action to purchase 2 Dell Opti Plex 2.80 GHZ computers with 15 inch flat monitor and software for a total of \$3,169.38 and 1 Dell Opti Plex GX270 2.80 GHZ computer with 17 inch flat monitor with software in the amount of \$1,648.69 for a grand total of \$4,818.07, for the Treasurer's Office. [Account # 660-0101-8801 Capital Outlay Series 2003]

Cmr. Gutierrez motioned to approve item as submitted.   Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 44      Discussion and possible action to authorize the following line item transfer:

From:	001-6100-6402	Equipment Maintenance	\$800.00
To:	001-6100-5602	Mileage	\$800.00

Cmr. Gutierrez motioned to approve item as submitted.   Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 45      Discussion and possible action to authorize the following line item transfers:

From:			
001-0103-6011		Training & Education	\$700.00
001-0103-6403		Vehicle Maintenance	\$200.00
To:			
001-0103-6224		Minor Apparatus & Tools	\$900.00

Cmr. Gutierrez motioned to approve item as submitted.   Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 46      Discussion and possible action authorizing the Road & Bridge Superintendent to accept 9,000 cubic yards of dirt from the Killam Family to be used at the Casa Blanca Golf Course.

Cmr. Cortez motioned to approve item as submitted.   Cmr. Velasquez seconded the motion.

Mr. Jose Luis Rodriguez, Road and Bridge Superintendent, stated that the county would only be responsible for hauling the dirt from its current location to the golf course. He stated that it would take approximately 40-45 days to haul the dirt. Cmr. Velasquez stated that the dirt would be used to improve holes at the golf course.

Cmr. Velasquez withdrew his second.

Judge Bruni stated that more information is needed for this project including a cost estimate on the time and monies needed to haul the dirt. Mr. Homero Ramirez, County Attorney, recommended that the court table the item so that he can look into whether this is the responsibility of the operator or the county. Judge Bruni expressed concerns about the time that this would take away from road repairs. Cmr. Vasquez stated that the issue of the golf course has been detrimental to the county and feels that the public's perception is very bad. He expressed concerns about recent pictures showing Cmr. Velasquez, Mr. Balt Ramos, Golf Course Operator and Judge Andres Reyes participating in a golf tournament as a team. Mr. Ramirez stated that the court does not have procedures in place regarding the decorum of court members but that he would bring one to the court at a subsequent meeting. Cmr. Cortez stated that it was nobody's business who someone associates with except that person. Judge Bruni requested a cost and time estimate for this project as well as a bid from a general contractor to compare costs.

Judge Bruni motioned to have a time and cost estimate as well as a bid from a general contractor to compare costs. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session for Addendum Item No. 1. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

#### EXECUTIVE SESSION (2:53 pm to 3:58 pm)

Judge Bruni reconvened meeting and stated that no action was taken while in Executive Session.

#### Addendum Item No. 1

Discussion and possible action regarding litigation threatened by the Texas Commission on Jail Standards and any matters incident thereto. (Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 Consultation with Attorney)

Mr. Ralph Bass of Allison Bass & Associates stated that an unannounced inspection was performed on July 3, 2004. He stated that the Attorney General's intent is to file suit against the county. He stated that the county has been under remedial order for several years, not noncompliant. He stated that the alleged violations were minor or

no infractions. He stated that the meeting with the Attorney General was successful and that progress in last two weeks has shown the county's commitment to remain compliant and lawsuit has been avoided. He invited the Attorney General's staff to tour the jail and see the day to day operations. He requested authorization to follow through on the part of the county in resolving pending issues. He also requested that the court issue an exception to the expenditures limit order of funds budgeted for repair and maintenance of items on inspection list as well as authorize the temporary transfer of maintenance employees from other departments to expedite the repairs needed. Cmr. Gutierrez congratulated Mr. Bass and Mr. Allison for a great presentation as well as the County Attorney and County Sheriff for a successful and positive meeting. Cmr. Cortez stated that court has taken position to do whatever is necessary to maintain jail compliance and demonstrated good faith by attending meetings as requested by the Attorney General.

Cmr. Gutierrez motioned to approve the budget for expenditures on repairs and maintenance and grant exception for those purchases. Cmr. Cortez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that no budget has been drawn up but that \$31,000 is available in the current budget.

Judge Bruni requested that the motion incorporate the temporary transfer of maintenance employees from other departments as needed.

Cmr. Gutierrez incorporated Judge Bruni's request as part of her motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez advised public that there would be a presentation by TX DOT regarding the construction of an overpass on Mines Road at the next meeting.

## Addendum Item No. 2

### Item No. 47      Adjournment

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.